

The Utah Department of Transportation Corridor Preservation Process

The Intermodal Surface Transportation Efficiency Act of 1991 formally introduced the concept of corridor preservation, requiring states to consider “preservation of rights of way for construction of future transportation projects...and identify those corridors for which action is most needed to prevent destruction or loss.”

While strongly promoted at the federal level, it has been left to the individual states to develop techniques and programs for corridor preservation.

The Utah Department of Transportation (UDOT) has developed a program that enables the state and local municipalities to preserve future transportation corridors by acquiring rights of way that meet certain eligibility requirements.

If you are interested in selling your property to the state for corridor preservation purposes, you must meet the following requirements to be eligible:

Bare Ground and/or Imminent Development

- Your land must be bare (without constructed improvements), and/or your land is soon to be developed.
- Your land is in a corridor that UDOT or the local municipality has identified for preservation.

Hardship

Health and Safety Considerations:

- Advanced Age – needs care or assistance from others.
- Ambulatory Defects or Diseases – where present facilities are inadequate or cannot be maintained by the owner.
- Major Disabilities, or equivalent disabilities.
- Doctor’s recommendation to change climate or physical environments.
- Non-decent, safe, and sanitary housing such as overcrowded living conditions if the occupancy level did not exceed decent, safe, and sanitary standards at the time the owner originally bought the property.

Financial Considerations:

- Probate or other litigation.
- Loss of employment.
- Retirement causing financial inability to maintain current residence, or purchase of retirement home.
- Pending mortgage or tax foreclosure.
- Job transfer, or change or work location creates a need to move.
- Financial Distress involving personal or business circumstances.
- Substantial Burden such as maintenance, taxes, and/or rehabilitation costs.
- Monetary Loss – Income or vacant properties. Eligible when the proposed project is the immediate cause of a monetary loss. The owner must demonstrate that the project creates an

adverse impact upon business profitability or upon property. Non-transportation issues to be considered are:

- Inability to obtain financing
- Inherent risk of ownership associated with this type of property.
- Other outside factors affecting the profitability of the business operation or property ownership.
- Local governmental regulations affecting development or rehabilitation, such as requiring the owner to set aside right of way from development, without the requirement for dedication.

Application Process

If you believe you may qualify for advanced acquisition, you must apply for acquisition approval. The following steps must be accomplished in order to gain access to the approval process:

1. Write a letter to the UDOT Right of Way Director’s office at the address found at the end of this pamphlet. The letter must include the owner’s name, address of the property, day time telephone number, the name of the corridor being preserved, the reason you believe you qualify for advanced acquisition, the amount you believe the is the property’s fair market value, and in case of hardship—what steps you have taken to sell the property on the open real estate market.

2. Upon receipt of your letter, you will be contacted by phone for a verbal screening interview and to obtain additional information, if necessary.
3. Your completed application will then be evaluated at the next monthly meeting of the Advisory Council (a group of representatives from each of the Metropolitan Planning Organizations (MPOs), UDOT, and appointed members from the Transportation Commission. If the Advisory Council recommends approval or denial, you will be contacted with information about the time and place your application will be considered by the Transportation Commission during its monthly meeting.
4. In the event of denial, you will receive a letter explaining your rights of appeal.
5. If the Transportation Commission approves your application, you will receive a formal approval letter with an explanation of the acquisition process. Please note that the advanced acquisition program is a voluntary process, and should you and the acquiring agency be unable to come to agreement on the terms of sale, the acquiring agency may withdraw their offer without obligation to utilize eminent domain proceedings.

If you wish to request acquisition under this program, please follow the steps above and send a written, signed letter to UDOT at the following address:

Corridor Preservation Fund
C/O Lyle McMillan
Box 148420
4501 South 2700 West
Salt Lake City, UT 84114-8420
Fax: (801) 965-3822

For questions regarding the process, please write to the address above or email UDOT at lmcmilla@dot.state.ut.us